



AN ACT GENERALLY REVISING AND CLARIFYING LAWS RELATED TO LOCAL GOVERNMENTS; RECOGNIZING ALTERNATIVE FORMS OF COUNTY GOVERNMENT; REVISING SPECIFIC DOLLAR AMOUNTS IN STATUTES; ELIMINATING ARCHAIC STATUTES; AMENDING SECTIONS 7-3-4465, 7-4-2101, 7-4-2102, 7-4-2104, 7-4-2105, 7-4-2108, 7-4-2111, 7-4-2312, 7-4-2503, 7-4-2504, 7-4-2525, 7-4-2715, 7-5-2129, 7-6-201, 7-6-4413, 7-8-2215, 7-14-2712, 7-21-2116, 7-21-2303, 7-21-2305, 7-21-2306, 7-21-2308, 7-21-2404, 7-21-2407, 7-21-2408, 7-21-2409, 7-21-2410, 7-21-2503, 7-21-2507, 7-21-3101, 7-21-3105, 7-21-3107, 7-21-3212, 7-33-2314, 81-4-505, AND 81-4-509, MCA; AND REPEALING SECTIONS 7-4-4202, 7-14-2713, 7-21-3202, 7-21-3213, 7-31-4102, AND 30-13-112, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 7-3-4465, MCA, is amended to read:

**"7-3-4465. Police department.** (1) The chief of police has exclusive control of the stationing and transfer of all patrol officers and other officers and employees constituting the police force, under rules that the director of public safety may prescribe. The police force must be composed of a chief of police and officers, patrol officers, and other employees that the city manager may determine. In the case of a riot, in the event of an emergency, or at the time of elections or similar occasions, the director of public safety may appoint additional patrol officers and officers for temporary service who need not be in the classified service.

(2) A person may not act as a special detective or special police officer for any purpose whatsoever except upon the written authority of the director of public safety. The written authority ~~must~~ may be exercised only under the direction and control of the chief of police and for a specified time.

(3) ~~Section 7-4-4202(1) and (4), parts 2 and 41 of Title 7, chapter 32, parts 2 and 41, and Title 19, chapters 9 and 19, of Title 19~~ are in all respects applicable to and govern the police departments of all cities and towns under the commission-manager form of government provided for in this part."

**Section 2.** Section 7-4-2101, MCA, is amended to read:

**"7-4-2101. Composition of board of county commissioners.** Each county may have a board of county commissioners consisting of three members or any other number provided for under any of the forms of government allowed under Title 7, chapter 3."

**Section 3.** Section 7-4-2102, MCA, is amended to read:

**"7-4-2102. Division of county into commissioner districts.** (1) In ~~every~~ each county of the state, following each federal decennial census, the board of county commissioners shall divide their respective counties into ~~three~~ as many commissioner districts as there are county commissioners; and ensure that the districts are as compact and equal in population and area as possible. ~~Such~~ The apportionment may take place at any time for the purpose of equalizing in population and area ~~such~~ the commissioner districts. However, ~~no~~ a commissioner district ~~shall~~ may not at any time be changed to affect the term of office of any county commissioner who has been elected. ~~No~~ A change in the boundaries of any commissioner district ~~shall~~ must be made within 6 months ~~next~~ preceding a primary election.

(2) The district judge or judges of the county shall review the action of the commissioners to determine whether or not ~~such~~ the action meets the requirements of this section.

~~(3) Sections 7-4-2102 through 7-4-2104 shall not apply to counties adopting an optional or alternative form of government authorized by law."~~

**Section 4.** Section 7-4-2104, MCA, is amended to read:

**"7-4-2104. Commissioners to be elected by district.** (1) At each general election, the member or members of the board of county commissioners to be elected must be selected from the residents and electors of the district or districts in which the vacancy occurs, but the election of the member or members of the board must be submitted to the entire electorate of the county unless otherwise provided for under:

- (a) a plan of government provided for in a county adopting an optional or alternative form of government;
- or
- (b) a court order.

(2) A person may not be elected as a member of a board of county commissioners unless the person has resided in the county and the district for at least 2 years preceding the general election."

**Section 5.** Section 7-4-2105, MCA, is amended to read:

**"7-4-2105. Term of office.** (1) The term of office of county commissioners is 6 years unless otherwise provided for under a plan of government provided for in a county adopting an optional or alternative form of government. A county commissioner takes office at 12:01 a.m. on January 1 succeeding the date of the election at which the county commissioner was elected.

(2) A county commissioner elected to take office shall take the oath of office on or before the last business day of December following the commissioner's election, except as provided for in 7-4-2106."

**Section 6.** Section 7-4-2108, MCA, is amended to read:

**"7-4-2108. Mileage allowance for county commissioners -- expenses.** (1) In addition to the salary provided by 7-4-2107(1), each member of the board of county commissioners ~~in counties of the first, second, third, and fourth class shall~~ must receive a mileage allowance as provided in 2-18-503 for the distance necessarily traveled in going to and returning from the county seat and the commissioner's place of residence each day that the trip is actually made and while engaged in the performance of official duties.

(2) ~~Each member of the board in all other counties is entitled to a mileage allowance as provided in 2-18-503 for the distance necessarily traveled in going to and returning from the county seat and the commissioner's place of residence each day that the trip is actually made to perform official duties. Any~~ A county commissioner whose place of residence is 50 miles or more from the county seat, as measured by the usual route of travel, and who elects to remain more than one day in the county seat to attend sessions of the board or perform official duties is entitled to receive, in addition to mileage for one round trip between the commissioner's place of residence and the county seat, ~~\$18~~ the rate for lodging established in Title 2, chapter 18, part 5, or the amount calculated in this section for mileage, whichever is less, per day as expenses for each day's attendance on sessions of the board while engaged in the performance of official duties.

(3) All claims for lodging expense reimbursement allowed under this section must be documented by an appropriate receipt.

(4) When other than commercial, nonreceiptable lodging facilities are utilized by a county commissioner, the ~~amount of \$7~~ rate for noncommercial, nonreceiptable lodging established in Title 2, chapter 18, part 5, is authorized for lodging expenses for each day in which travel involves an overnight stay in lieu of the amount authorized in this section. However, when overnight accommodations are provided at the expense of any

government entity, reimbursement may not be claimed for lodging.

(5) This section does not apply to counties that have adopted a charter form of government."

**Section 7.** Section 7-4-2111, MCA, is amended to read:

**"7-4-2111. Indemnity insurance for county officers.** The board of county commissioners may pay a proper charge to any insurance company authorized to do business in this state or to a self-insurance pool insuring counties as authorized by 2-9-211 for ~~effecting~~ insurance providing indemnity for or protection to any county officer against liability for the loss, without fault, connivance, or neglect on the officer's part, of money, securities, or other property for which the officer is accountable to the county."

**Section 8.** Section 7-4-2312, MCA, is amended to read:

**"7-4-2312. Salary and bond of officer following consolidation.** (1) (a) When two or more offices are consolidated under a single officer, the officer ~~shall~~ must receive a salary determined by the board or boards of county commissioners. However, the salary may not be more than 20% higher than the highest salary provided by law to be paid to any officer whose duties the officer is required to perform by reason of the consolidations.

(b) The board or boards shall, in ~~June of each fourth year~~ conjunction with setting elected officials' salaries as provided in 7-4-2503, annually adopt a resolution fixing the percentage adjustment of the salary of the officer holding the consolidated office for the term beginning with the first Monday in January immediately following the adoption of the resolution.

(2) The officer shall give a bond in an amount equal to the highest bond required by law of any officer whose duties the officer is required to perform by reason of the consolidation of offices."

**Section 9.** Section 7-4-2503, MCA, is amended to read:

**"7-4-2503. Salary schedule for certain county officers -- county compensation board.** (1) (a) The salary paid to the county treasurer, county clerk and recorder, clerk of the district court, county assessor, county superintendent of schools, county sheriff, county surveyor in counties where county surveyors receive salaries as provided in 7-4-2812, justice of the peace, county coroner, and county auditor in all counties ~~where~~ in which the office is authorized must be established by the county governing body based upon the recommendations of the county compensation board provided for in subsection (4).

(b) Except as provided in subsection (2), the annual salary established pursuant to subsection (1)(a) must be uniform for all county officers referred to in subsection (1)(a).

(2) (a) An elected county superintendent of schools must receive, in addition to the salary based upon subsection (1), the sum of \$400 a year, except that an elected county superintendent of schools who holds a master of arts degree or a master's degree in education, with an endorsement in school administration, from a unit of the Montana university system or an equivalent institution may, at the discretion of the county commissioners, receive, in addition to the salary based upon subsection (1), up to \$2,000 a year.

(b) The county sheriff must receive, in addition to the salary based upon subsection (1), the sum of \$2,000 a year.

(c) The county sheriff must receive a longevity payment amounting to 1% of the salary determined under subsection (1) for each year of service with the sheriff's office, but years of service during any year in which the salary was set at the level of the salary of the prior fiscal year may not be included in any calculation of longevity increases. The additional salary amount provided for in this subsection may not be included in the salary for purposes of computing the compensation for undersheriffs and deputy sheriffs as provided in 7-4-2508.

(d) If the clerk and recorder is also the county election administrator, the clerk and recorder may receive, in addition to the base salary provided in subsection (1)(a), up to \$2,000 a year. The additional salary provided for in this subsection (2)(d) may not be included as salary for the purposes of computing the compensation of any other county officers or employees.

(e) The county treasurer may receive, in addition to the base salary provided in subsection (1)(a), up to \$2,000 a year. The additional salary provided for in this subsection (2)(e) may not be included as salary for the purposes of computing the compensation of any other county officers or employees.

(f) The county coroner may be a part-time position, and the salary may be set accordingly.

(3) (a) Subject to subsection (3)(b), the salary for the county attorney must be set as provided in subsection (4).

(b) If the uniform base salary set for county officials pursuant to subsection (1) is increased, then the county attorney is entitled to at least the same increase unless the increase would cause the county attorney's salary to exceed the salary of a district court judge.

(c) (i) After completing 4 years of service as deputy county attorney, each deputy county attorney is entitled to an increase in salary of \$1,000 on the anniversary date of employment as deputy county attorney. After

completing 5 years of service as deputy county attorney, each deputy county attorney is entitled to an additional increase in salary of \$1,500 on the anniversary date of employment. After completing 6 years of service as deputy county attorney and for each year of additional service up to completion of the 11th year of service, each deputy county attorney is entitled to an additional annual increase in salary of \$500.

(ii) The years of service as a deputy county attorney accumulated prior to July 1, 1985, must be included in the calculation of the longevity increase.

(4) (a) There is a county compensation board consisting of the county commissioners, three of the county officials described in subsection (1) appointed by the board of county commissioners, the county attorney, and two to four resident taxpayers appointed initially by the board of county commissioners to staggered terms of 3 years, with the initial appointments of one or two taxpayer members for a 2-year term and one or two taxpayer members for a 3-year term. The county compensation board shall hold hearings annually for the purpose of reviewing the compensation paid to county officers. The county compensation board may consider the compensation paid to comparable officials in other Montana counties, other states, state government, federal government, and private enterprise.

(b) The county compensation board shall prepare a compensation schedule for the elected county officials, including the county attorney, for the succeeding fiscal year. The schedule must take into consideration county variations, including population, the number of residents living in unincorporated areas, assessed valuation, motor vehicle registrations, building permits, and other factors considered necessary to reflect the variations in the workloads and responsibilities of county officials as well as the tax resources of the county.

(c) A recommended compensation schedule requires a majority vote of the county compensation board, and at least two county commissioners must be included in the majority. A recommended compensation schedule may not reduce the salary of a county officer that was in effect on May 1, 2001.

(d) The provisions of this subsection (4) do not apply to a county that has adopted a charter form of government or to a charter, consolidated city-county government."

**Section 10.** Section 7-4-2504, MCA, is amended to read:

**"7-4-2504. Salaries to be fixed by resolution -- cost-of-living increments.** The county governing body shall by resolution on or before August 1 of each year adjust and uniformly fix the salaries of the county treasurer, county clerk, county assessor, county school superintendent, county sheriff, clerk of district court, county auditor

(if there is one), justice of the peace, county coroner, and county surveyor (if the surveyor receives a salary) by adding to the annual salary provided for in 7-4-2503(1) a cost-of-living increment based upon the schedule developed and approved by the county compensation board provided for in 7-4-2503(4)."

**Section 11.** Section 7-4-2525, MCA, is amended to read:

**"7-4-2525. Fees of sheriff to be fixed by resolution.** (1) The county governing body may annually, by resolution pursuant to 7-6-4013, fix the fees of the sheriff for services provided in 7-32-2141 and for other services.

(2) Fees ~~set under subsection (1)~~ for services provided under 7-32-2141 must be based upon the prevailing rate charged by private process servers in the county for similar services.

(3) Fees collected under this section must be paid and credited as provided in 7-32-2141."

**Section 12.** Section 7-4-2715, MCA, is amended to read:

**"7-4-2715. Records and reports.** The county attorney shall:

~~(1) keep a register of all official business, in which must be entered a note of every action, whether criminal or civil, prosecuted officially and of the proceedings in the action;~~

~~(2)~~ (1) deliver receipts for money or property received in an official capacity and file duplicates of the receipts with the county treasurer;

~~(3)~~ (2) on the first Monday of January, April, July, and October in each year file with the county clerk an account, verified by oath, of all money received by the county attorney in an official capacity during the preceding 3 months and at the same time pay it over to the county treasurer."

**Section 13.** Section 7-5-2129, MCA, is amended to read:

**"7-5-2129. Certain records to be kept by board.** The board of county commissioners ~~must~~ shall cause to be kept:

——— ~~(1)~~ a "Minute Book" in which must be recorded all orders and decisions made by them and the daily proceedings had at all regular and special meetings;

——— ~~(2)~~ a "Road Book" containing all proceedings and adjudications relating to the establishment, maintenance, change, and discontinuance of roads and road districts or relating to road supervisors and their

~~reports and accounts;~~

~~—— (3) a "Franchise Book" containing all franchises granted by them, for what purpose, the length of time and to whom granted, and the amount of bond and license tax required;~~

~~—— (4) a "Warrant Book" in which must be entered, in the order of drawing, all warrants drawn on the treasury, with their number and reference to the order on the minute book and with the date, amount, on what account, and name of payee."~~

**Section 14.** Section 7-6-201, MCA, is amended to read:

**"7-6-201. Deposit of public funds in financial institutions.** (1) Except as provided in 7-6-202, 7-6-206, or 7-6-2701, it ~~shall be~~ is the duty of all county and city treasurers and town clerks to deposit all public money in their possession and under their control only in ~~any~~ solvent banks, building and loan associations, savings and loan associations, or credit unions ~~located in the county, city, or town of which such treasurer is an officer,~~ subject to national supervision or state examination as the local governing body may designate, ~~and no other.~~

(2) ~~Said~~ The local governing body is ~~hereby authorized to~~ may deposit such public money not necessary for immediate use by ~~such~~ the county, city, or town in a savings or time deposit with any bank, building and loan association, savings and loan association, or credit union authorized ~~above~~ in subsection (1) or in a repurchase agreement as authorized in 7-6-213.

(3) The treasurer or town clerk shall take from ~~such~~ the bank, building and loan association, savings and loan association, or credit union ~~such~~ security ~~as that~~ as the local governing body may prescribe, approve, and ~~deem~~ consider fully sufficient and necessary to ~~insure~~ ensure the safety and prompt payment of all ~~such~~ deposits, together with the interest on any time or savings deposits.

(4) All ~~such~~ deposits ~~shall~~ must be subject to withdrawal by the treasurer or town clerk in ~~such~~ amounts ~~as that~~ as may be necessary from time to time. ~~No~~ A deposit of funds ~~shall~~ may not be made or permitted to remain in any bank, building and loan association, savings and loan association, or credit union until the security for ~~such~~ deposits ~~shall have~~ the deposit has been first approved by the local governing body and delivered to the treasurer or town clerk."

**Section 15.** Section 7-6-4413, MCA, is amended to read:

**"7-6-4413. Collection of taxes.** (1) Except in the case of cities of the first, second, and third classes that



provide by ordinance for the city treasurer to collect the taxes from the corrected property tax record, the county treasurer of each county shall collect the tax levied by all cities and towns in the respective county.

(2) The county treasurer shall collect the city or town taxes, ~~including unpaid road poll taxes,~~ at the same time as the state and county taxes and with the same penalties and interest in case of delinquency."

**Section 16.** Section 7-8-2215, MCA, is amended to read:

**"7-8-2215. Procedure to challenge appraised value.** (1) Any A taxpayer who ~~may believe~~ believes that ~~such the~~ appraised value under 7-8-2214 is less than the actual value of the property may, at any time before the day fixed for the sale of ~~such the~~ property, file with the board of county commissioners written objections to ~~such the~~ appraised value.

(2) When ~~any such an~~ objection is filed, it vacates the sale and the board ~~must~~ shall at once apply to the judge of the district court to have ~~such the~~ property reappraised.

(3) (a) Upon ~~such~~ application, the district judge shall appoint for purpose of reappraisal three disinterested persons or a disinterested certified real estate appraiser. ~~Such appraisers~~ Each appraiser, when appointed by the district judge and after filing ~~their the~~ appraisal report with the county clerk and recorder, ~~shall~~ must be allowed \$5 per day for each day necessarily employed in making such appraisal and their necessary and actual expenses as determined by the judge.

(b) The appraisal of the persons appointed under subsection (3)(a) must be made and filed with the county clerk and recorder. The new appraisal or reappraisal ~~shall~~ must be used in the next sale of ~~such the~~ property."

**Section 17.** Section 7-14-2712, MCA, is amended to read:

**"7-14-2712. Inspector of works ~~—compensation.~~** (1) The committee and road superintendent together shall appoint a suitable and competent person other than the committee or the superintendent to act as an inspector of the work. The inspector must be present at the location of the work at all times during its progress and shall inspect the performance of the work. The inspector shall report to and be under the supervision of the superintendent.

(2) ~~The inspector must be paid at the rate of \$5 a day for the time actually engaged as inspector."~~

**Section 18.** Section 7-21-2116, MCA, is amended to read:

**"7-21-2116. Enforcement of licensing requirements.** ~~(1) The county treasurer must direct~~ shall bring suit in the name of the state of Montana as plaintiff ~~to be brought~~ for the recovery of the license tax or fee authorized by this part, against any person required to take out a license who fails, neglects, or refuses to take out ~~such the~~ license or who carries on or attempts to carry on business without ~~such the~~ license. ~~In such case, either~~ Either the county treasurer or the county attorney ~~must~~ shall make the necessary affidavit for the writ of attachment, and ~~such the~~ writ of attachment may ~~issue~~ be issued without any bonds being given on behalf of the plaintiff.

~~(2) In case of a recovery by the plaintiff, \$15 damages must be added to the judgment and costs to be collected from the defendant."~~

**Section 19.** Section 7-21-2303, MCA, is amended to read:

**"7-21-2303. License required to do business as itinerant vendor -- fee.** For the purpose of defraying the expenses of regulation under this part, ~~every~~ an itinerant vendor desiring to do business in any county of this state shall, before commencing business, pay to the county treasurer of the county the sum of ~~\$15~~ \$25 for a license to conduct the itinerant business for a period of 90 days from the date the license is issued."

**Section 20.** Section 7-21-2305, MCA, is amended to read:

**"7-21-2305. Application for itinerant vendor license.** (1) An itinerant vendor desiring to do business in any county of this state shall, before commencing business, file with the county treasurer of the county, on a form to be provided by the treasurer, an application in writing, subscribed and sworn to by the applicant before an officer in this state authorized to take oaths.

(2) The application must set forth:

- (a) the name of the applicant;
- (b) the applicant's place of permanent residence;
- (c) the applicant's local headquarters, if any;
- (d) the time of the applicant's arrival in the county;
- (e) the county from which the last license, if any, was received;
- (f) whether the applicant is acting as principal, agent, or employee;

- (g) if acting as agent or employee, the name and place of business of the principal or employer;
  - (h) a brief descriptive list of articles to be offered for sale or services to be performed along with a statement of total value of anticipated sales; and
  - (i) whether payments or deposits of money are collected when orders are taken or in advance of final delivery.
- (3) If the applicant is acting as an agent, the principal's acknowledgment of the agency must accompany the application as part of the application.
- (4) At the time of filing the application, the itinerant vendor shall accompany the application with the sum specified in 7-21-2303 as a license fee."

**Section 21.** Section 7-21-2306, MCA, is amended to read:

**"7-21-2306. Bond required if deposit taken on orders for future delivery.** (1) An application made by an itinerant vendor taking orders for future delivery and collecting advance payments, deposits, or guarantees on the orders under the terms of 7-21-2301 through 7-21-2305 must be accompanied by a bond ~~in the sum of \$250~~ equal to 125% of the value stated in the vendor's application, as provided in 7-21-2305, and must be payable to the county treasurer.

(2) (a) The bond must be executed by a surety company licensed to do business in this state ~~or by two responsible freeholders residing in the county and whose names appear upon the assessment roll of the county.~~

(b) In lieu of a bond meeting the requirements of subsection (2)(a), the application may be accompanied by a cash bond, irrevocable letter of credit, or other acceptable form of security of an equal amount.

(3) The bond or security must be approved by the county treasurer and conditioned upon making of final delivery of the goods ordered or the services to be rendered in accordance with the terms of the order or, failing delivery, that the money advanced by the customers will be refunded.

(4) The bond or security must remain in full force and effect for a period of 6 months after the expiration of a license and must be held to ensure only business transacted under the authority of the license issued pursuant to the application that the bond accompanied."

**Section 22.** Section 7-21-2308, MCA, is amended to read:

**"7-21-2308. Processing of application -- issuance of license.** (1) Upon filing of the application

prescribed in 7-21-2305 or the filing of the application and the bond or security prescribed in 7-21-2306, in proper form, and upon the payment to the county treasurer of the sum required by 7-21-2303, the county treasurer shall issue and deliver to the applicant a license to carry on the business described in the application in the county in which the license is issued for a period of 90 days from the date of the license.

(2) The county treasurer shall endorse upon each application the date of issuance of the license and shall immediately file the application with the county clerk and recorder of that county. The county clerk and recorder shall file the application in the clerk's office and keep an appropriate index of the applications that shows the date filed, the name of the applicant, and an appropriate reference to the file number by which the application may be found."

**Section 23.** Section 7-21-2404, MCA, is amended to read:

**"7-21-2404. License required to do business as transient retail merchant -- fee.** ~~The amount to be paid for the license to conduct the business of a~~ For the purpose of defraying the expenses of regulation under this part, a transient retail merchant desiring to do business in any county of this state shall, be before commencing business, pay in advance the sum of ~~\$5~~ \$25 for each week or fraction ~~thereof of a week, to be paid in advance~~ to the county treasurer of the county in which ~~such the~~ business is conducted."

**Section 24.** Section 7-21-2407, MCA, is amended to read:

**"7-21-2407. Bond or security in lieu of license fee.** (1) In lieu of the license fee prescribed in 7-21-2404, every transient retail merchant who files with the application required in 7-21-2406 an affidavit indicating bona fide intention to become a permanent merchant and continue in business for a period longer than 1 year shall, upon filing and approval of the bond or security provided for in this section, receive from the county treasurer a license permitting the conduct of ~~such the~~ business for a period of 1 year.

(2) ~~Such The~~ bond ~~shall~~ must be a surety bond in the sum of \$1,000 to ~~said the~~ county treasurer.

(3) (a) The bond ~~shall~~ must be executed by a surety company licensed to do business in this state ~~or by two responsible freeholders residing in the county and whose names appear upon the assessment roll of said county.~~

(b) In lieu of a bond meeting the requirements of subsection (3)(a), the bond or security may be a cash bond, irrevocable letter of credit, or other acceptable form of security of an equal amount.

(4) The bond ~~shall~~ or security must be approved by ~~said the~~ county treasurer and conditioned upon the performance of the intention to become a permanent merchant and continue in business for a period longer than 1 year and to ~~insure~~ ensure the payment of license fees for the period ~~such the~~ business is actually conducted if the business is not in fact a bona fide permanent business. The bond ~~shall~~ or security must be further conditioned upon the delivery of goods ordered or sold in accordance with the terms of ~~such the~~ order or sale.

(5) ~~Such The~~ bond ~~shall~~ or security must remain in full force and effect for a period of 6 months after the expiration of the 1-year period."

**Section 25.** Section 7-21-2408, MCA, is amended to read:

**"7-21-2408. Right of aggrieved purchaser.** A person aggrieved by any action or misrepresentation of a transient retail merchant has a right of action on the bond or security provided for in 7-21-2407 for the recovery of money advanced or damages and costs."

**Section 26.** Section 7-21-2409, MCA, is amended to read:

**"7-21-2409. Processing of application -- issuance of license.** (1) (a) Upon filing of the application prescribed in 7-21-2406 and the payment of the fee prescribed in 7-21-2404, the county treasurer shall issue and deliver to the applicant, in the county, a license to carry on the business described in the application in the county in which the license is issued for the period for which the license is requested.

(b) Upon filing of the application prescribed in 7-21-2406 and the bond or security prescribed in 7-21-2407, the county treasurer shall issue and deliver to the applicant a license to carry on the business described in the application in the county in which the license is issued for a period of 1 year from the date of the license.

(2) The county treasurer shall endorse upon each application the date of issuance of the license and the duration of the license and shall immediately file the application with the county clerk and recorder of the county. The county clerk and recorder shall file the application in the clerk's office and keep an appropriate index of the applications that shows the date filed, the name of the applicant, and an appropriate reference to the file number by which the application may be found."

**Section 27.** Section 7-21-2410, MCA, is amended to read:

**"7-21-2410. License to be displayed in place of business.** (1) A transient retail merchant doing business under the provisions of this part shall at all times keep the license conspicuously posted in the place of business.

(2) A transient retail merchant who fails to post and keep posted the license as provided in subsection (1) is guilty of a misdemeanor and upon conviction shall be fined not less than ~~\$40~~ \$100 or more than ~~\$25~~ \$500 for each offense."

**Section 28.** Section 7-21-2503, MCA, is amended to read:

**"7-21-2503. License required to do business as huckster -- fee.** Every A huckster desiring to do business in any county of this state ~~must~~ shall, before commencing ~~such~~ business, pay to the county treasurer of ~~such~~ the county the sum of ~~\$15~~ \$25 for a license to conduct ~~such~~ the business for a period of 6 months from the date ~~such~~ the license is issued."

**Section 29.** Section 7-21-2507, MCA, is amended to read:

**"7-21-2507. License to be displayed upon demand.** (1) A huckster doing business under the provisions of this part shall, upon demand of any interested person, exhibit the huckster's license and permit ~~the~~ the license to be read at that time by the person making the demand.

(2) A huckster who refuses or fails to exhibit the license as provided in subsection (1) is guilty of a misdemeanor and upon conviction shall be fined not less than ~~\$40~~ \$100 or more than ~~\$25~~ \$500."

**Section 30.** Section 7-21-3101, MCA, is amended to read:

**"7-21-3101. Establishment of public scales.** When petitioned by 25 or more ~~residents and freeholders~~ resident landowners of the county, the board of county commissioners of any county ~~is hereby authorized in its discretion to~~ may establish and locate public scales at any suitable location selected by the county commissioners within the county."

**Section 31.** Section 7-21-3105, MCA, is amended to read:

**"7-21-3105. Bond of public weigher.** A public weigher appointed pursuant to 7-21-3104 who is not a county employee shall give a bond to the county in the sum of \$500, conditioned for the safekeeping of the public

scales and for the faithful and impartial discharge of the duties incident to the weigher's trust in office."

**Section 32.** Section 7-21-3107, MCA, is amended to read:

**"7-21-3107. Fee for weighing.** (1) A public weigher who is not a county employee may not receive more than ~~40 cents~~ \$10 for each receipt issued.

(2) A county that operates a public scale, after a public hearing and after providing notice of the hearing under 7-1-2121, may adopt a fee schedule for weighing."

**Section 33.** Section 7-21-3212, MCA, is amended to read:

**"7-21-3212. Compensation of stock inspector.** (1) Whenever a stock inspector is employed, the inspector's compensation must be at a rate ~~not to exceed the sum of \$7.50 a day~~ commensurate with the rate paid to an entry level deputy sheriff of the county, and including necessary expenses for the time actually engaged in the work, and the inspector must be paid by a warrant on the general fund of the county.

(2) Whenever a stock inspector is employed in the investigation of a crime and a reward has been offered under 7-32-2301 for the apprehension and conviction of the party or parties guilty of the crime, the inspector is not entitled to any part of the reward."

**Section 34.** Section 7-33-2314, MCA, is amended to read:

**"7-33-2314. ~~Certain exemptions~~ Military exemption for firefighters.** The officers and members of regularly organized unpaid fire companies and exempt firefighters are entitled to ~~the following privileges and exemptions:~~

- ~~—— (1) exemption from payment of poll tax, road tax, and head tax of every description;~~
- ~~—— (2) exemption from military duty except in case of war, invasion, or insurrection."~~

**Section 35.** Section 81-4-505, MCA, is amended to read:

**"81-4-505. Roundup foreman supervisor -- duties -- bond.** (1) All roundups ~~shall~~ must be under the control and supervision of the board of county commissioners of the county in which the ~~same shall be~~ roundup is held. Roundup districts ~~shall~~ must be numbered in the order of their creation. Each roundup ~~shall~~ must be conducted by ~~some~~ a person designated or employed by the board of county commissioners, whose official

designation ~~shall must~~ be "roundup ~~foreman~~ supervisor, .... roundup district, .... County, state of Montana".

(2) ~~Such person~~ The roundup supervisor shall maintain his headquarters at the place designated by the board of county commissioners in its order as the headquarters of ~~such the~~ roundup. ~~Such The roundup foreman~~ supervisor has the power to administer oaths and affirmations in all matters coming within the scope of his official duties.

(3) ~~The~~ If the roundup supervisor is not employed by the board of county commissioners, the board of county commissioners shall require from ~~such the~~ roundup ~~foreman~~ supervisor an official bond, in an amount not less than \$2,500 and not to exceed \$5,000, ~~which bond shall that must~~ be conditioned as official bonds of county officers and ~~shall be~~ is subject to all provisions of law applicable to ~~such county officer~~ bonds."

**Section 36.** Section 81-4-509, MCA, is amended to read:

**"81-4-509. Proof of ownership -- payment of taxes and penalties -- decision of commissioners on claim.** ~~Any~~ A person claiming ~~any an~~ abandoned horse or horses as provided in 81-4-508 shall, within 5 days after serving the notice provided for in 81-4-508; or within ~~such a~~ further time ~~as that~~ the board of county commissioners ~~shall allow~~ allows, upon good cause shown, submit to ~~such the~~ board proof of his ownership and shall deposit with ~~said the~~ board the amount of any unpaid taxes and penalties ~~which that~~ may be assessed against ~~such the~~ horse or horses, together with ~~the sum of \$5 a~~ \$100 roundup fee. The board shall decide all ~~such~~ cases in preference to all other matters coming before it and at the earliest possible moment. If the claim ~~shall be~~ is allowed, the roundup ~~foreman~~ supervisor in charge of ~~such the~~ roundup ~~shall must~~ immediately be notified of ~~such the~~ decision and ~~he the~~ supervisor shall ~~forthwith~~ deliver ~~such the~~ horse or horses ~~as to which~~ ownership ~~shall be so proved~~ to the owner upon payment of any amount due from ~~such the~~ owner for the estimated cost of keeping and feeding ~~such the~~ horse or horses ~~as aforesaid~~. The deposit made by ~~such the~~ owner of taxes, penalties, and ~~the~~ roundup fee ~~shall must~~ be delivered by the board to the county treasurer. If ~~such the~~ board ~~shall deny~~ denies the claim of ownership, it shall ~~forthwith~~ notify the person in charge of ~~such the~~ roundup of its decision and ~~such the~~ horse or horses as to which ~~such the~~ claim ~~shall be is~~ denied ~~shall must~~ be offered for sale at the earliest convenient session of the sales being held under ~~such the~~ roundup, ~~and if. If the~~ horses are not sold, the same shall they must be destroyed or otherwise disposed of as though no claim had been presented."



**Section 37. Repealer.** Sections 7-4-4202, 7-14-2713, 7-21-3202, 7-21-3213, 7-31-4102, and 30-13-112, MCA, are repealed.

- END -

I hereby certify that the within bill,  
SB 0148, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

SENATE BILL NO. 148

INTRODUCED BY J. PETERSON

BY REQUEST OF THE EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE

AN ACT GENERALLY REVISING AND CLARIFYING LAWS RELATED TO LOCAL GOVERNMENTS; RECOGNIZING ALTERNATIVE FORMS OF COUNTY GOVERNMENT; REVISING SPECIFIC DOLLAR AMOUNTS IN STATUTES; ELIMINATING ARCHAIC STATUTES; AMENDING SECTIONS 7-3-4465, 7-4-2101, 7-4-2102, 7-4-2104, 7-4-2105, 7-4-2108, 7-4-2111, 7-4-2312, 7-4-2503, 7-4-2504, 7-4-2525, 7-4-2715, 7-5-2129, 7-6-201, 7-6-4413, 7-8-2215, 7-14-2712, 7-21-2116, 7-21-2303, 7-21-2305, 7-21-2306, 7-21-2308, 7-21-2404, 7-21-2407, 7-21-2408, 7-21-2409, 7-21-2410, 7-21-2503, 7-21-2507, 7-21-3101, 7-21-3105, 7-21-3107, 7-21-3212, 7-33-2314, 81-4-505, AND 81-4-509, MCA; AND REPEALING SECTIONS 7-4-4202, 7-14-2713, 7-21-3202, 7-21-3213, 7-31-4102, AND 30-13-112, MCA.